

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

LIAL-LAROY FITZGERALD
and **LEONARD LIAL FITZGERALD,**

Plaintiff,

No. 3:19-cv-00764-MO

v.

OPINION AND ORDER

WELLS FARGO BANK N.A.,

Defendant.


MOSMAN, J.,

Defendant's Motion to Dismiss for Failure to State a Claim [14] is GRANTED in part and DENIED in part. This case is dismissed for failure to state a claim pursuant to Fed. R. Civ. P. 12(b)(6), but Plaintiffs are granted leave to amend. The deadline for Plaintiffs to file an amended complaint is November 20, 2019. If Plaintiffs fail to file an amended complaint by November 20, 2019, this case will be dismissed with prejudice.

In reaching this decision, this Court construed Plaintiffs' Response to Order to Show Cause [18] as a response to Defendant's Motion to Dismiss [14]. However, Plaintiffs failed to substantively respond to the merits of Defendant's motion. In addition, Plaintiffs' Request for Dispute Resolution on Complaint [20] is DENIED as moot.

IT IS SO ORDERED.

DATED this 21 day of October, 2019.


MICHAEL W. MOSMAN
Chief United States District Judge